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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,404	12/29/1999	GREG GRIFFITH	BELL-0008/99	2201
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WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103				
			EXAMINER YANG, CLARA I	
			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/474,404

Applicant(s)

GRIFFITH ET AL.

Examiner

Clara Yang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 14 July 2004 have been fully considered but they are not persuasive.

The applicant argues on page 4 that Kane teaches a system 100 wherein "the wire path A operates *in conjunction* with the radio path [B] so that message throughput and quality is enhanced" and that "the Kane reference does not at all appreciate that the wire path A should or could be employed as an alternative to radio path [B] *when such radio path [B] is not available.*" The examiner respectfully disagrees. Kane teaches in Col. 7, lines 9 - 16, that selective call receiver (SCR) 130 normally receives messages from central terminal 102 via path B, which is a paging communication channel 122 (i.e., a radio path), due to path A's drawbacks as described in Col. 6, lines 48 - 57. However, in the event that SCR 130 fails to receive messages via radio path B, a user connects SCR 130 to central terminal 102 via path B (see Abstract and Col. 7, lines 28 - 48). Kane clearly expresses that path B is used for normal operation because (1) more messages can be delivered to SCR 130 through the paging communication channel (i.e., path B) than a two-way radio frequency (RF) communication channel or a telephone line (i.e., path A) (see Col. 6, lines 14 - 30); and (2) communicating via path B enables SCR 130 to be portable (see Col. 6, lines 57 - 62). Because path A's throughput is less than path B's, Kane teaches using path A for communicating only missed messages (see Col. 7, lines 35 - 48). Consequently, SCR 130 is connected to central terminal 102 via path A only when SCR 130 is "out of radio communication" with central terminal 102 as called for in claim 1, and the USC § 103(a) rejections are maintained.

Specification

2. The disclosure is objected to because of the following informalities: The U.S. Patent application numbers for the related applications on page 1 are missing.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 and 4 - 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,581,366 (Merchant et al.) in view of U.S. Patent No. 5,314,635 (Kane et al.).

Referring to Claims 1, 4, and 5, as shown in Figs. 1 and 4, Merchant teaches an auxiliary cradle unit 13 for accepting a fax selective call receiver (SCR) 12 or portable communications device. Merchant discloses that SCR 12 is a pager having the ability to create and receive facsimiles (see Col. 1, lines 26 - 36). Merchant's cradle unit 13 comprises: (a) SCR interface 94

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(or network connector) coupling SCR 12 to network interface 24 (or a second network), such as a public telephone switched network (PSTN); and (b) a fax modem 64 or network communications device (see Col. 3, lines 43 - 56). Per Merchant, cradle unit 13 is (c) designed to mate with and receive SCR 12 in a way that is similar to conventional pager battery charger devices, wherein cradle unit 13 has a recess (not shown) with contact terminals CT (or port connectors) therein to receive SCR 12 and mate with SCR 12's contact terminals PT (see Col. 2, lines 65 - 67 and Col. 3, lines 1 - 3). Because cradle unit 13 receives SCR 12 in a conventional manner and SCR interface 94 enables communication between cradle unit 13 and SCR 12 (see Col. 3, lines 38 - 39), it is understood that cradle unit 13 has (d) a port connector for coupling with an externally accessible port of the accepted SCR 12. Merchant, however, omits using cradle unit 13 to connect SCR 12 to the paging network (or first network) via PSTN 24 or a mobile switching network when SCR 12 is out of radio communication with the paging network.

In an analogous art, Kane teaches a selective call receiver 130 that includes a modem transmitting and receiving unit 144 (see Fig. 1). Per Kane, when SCR 130 is unable to receive a message transmitted by SCR central terminal 102 via paging transmitter systems 124 and 126, SCR 130 communicate with central terminal 102 via path A 152 and PSTN 107 (see Col. 5, lines 52 - 68; Col. 6, lines 1 - 16; and Col. 7, lines 28 - 48). Because Kane discloses that in addition to a dial-up telephone line, path A 152 can be a two-way radio frequency communication channel (see Col. 6, lines 19 - 23), it is understood that SCR 130 and central terminal 102 can communicate via a cellular network (or mobile switched network).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify cradle unit 13 of Merchant such that it is able to connect SCR

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12 to SCR terminal 28 via a second network when SCR 12 is unable to receive messages via radio communication as taught by Kane because reliability of message delivery is greatly improved by using a second network (such as PSTN 24 or a cellular network) when radio communications (such as paging communication channels) with the first network (i.e., paging network) is unavailable (see Kane, Col. 16, lines 65 - 68 and Col. 17, lines 1 - 8).

Regarding Claim 6, though Merchant omits specifying that SCR 12's externally accessible port is a serial port and that the port connector of cradle unit 13's SCR interface 94 is a serial port connector, the Examiner takes Official Notice that serial ports and serial port connectors are well known devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Merchant's SCR 12 and cradle unit 13 such that SCR 12 has an externally accessible serial port and cradle unit 13 has a serial port connector because a serial port transmits data one bit at a time and is commonly used for connecting a device to a modem.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,581,366 (Merchant et al.) and U.S. Patent No. 5,314,635 (Kane et al.) as applied to claim 1 above, and further in view of U.S. Patent Application Publication No. US 2002/0091843 (Vaid).

Merchant and Vaid are silent on cradle unit 13 having a network interface card.

In an analogous art, Vaid teaches a wireless network adapter (WNA) 106 (see Fig. 1) that is a docking device adapted for mechanical and electrical attachment to terminals 110 via device ports 112 (see Section [0022]). Vaid's WNA 106 connects terminals 110 to network 104 via network port 108 and service provider 102 (see Section [0020]). Network port 108 communicates with service provider 102 using cellular phone standard or any other wireless standard, and network 104 includes PSTN, the Internet, wireless local loop systems, etc. (see

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Sections [00220 and [0025]]. Terminals 110 include a two-way pager, a cellular phone 120, mobile computer 116, etc. (see Section [0021]). Device ports 112 are removable modules, wherein each module includes a WNA 106 connector and a port physically adapted to a particular connection type, such as RS-232, which is a serial port (see Section [0023]). Because WNA 106 can connect mobile computer 106 to network 104 using a personal digital assistant (PDA) with wireless network capability (see Section [0031]), device ports 112 also include network interface cards.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify cradle unit 13 of Merchant and Kane as taught by Vaid because a cradle unit 13 having the means to connect SCR 12 to a wireless network in addition to PSTN 24 and a cellular network provides more connectivity options for a user, thereby further improving reliability of message delivery (see Kane, Col. 16, lines 65 - 68 and Col. 17, lines 1 - 8).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


⌘

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (571) 272-3062. The examiner can normally be reached on 8:30 AM - 7:00 PM, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CY


BRIAN ZIMMERMAN
PRIMARY EXAMINER